IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1139 OF 2007

Central Bank Employees Congress .. Petitioner

V/s

Central Bank of India & Ors. .. Respondents

Ms.Seema Chopda for the petitioner.

Mr.P.K. Rele, Senior Advocate for the respondents.

CORAM : S.B. MHASE &
D.G. KARNIK, JJ.

DATE : 3RD JULY 2007

P.C. :

. Heard.

2. Members of the petitioner were transferred by an order dated 10th February 2007. The petitioner raised a dispute and the conciliation proceedings commenced by the petitioner ultimately failed. Under these circumstances, the petitioner has approached this Court challenging the transfer orders and/or alternatively for a direction to the respondent no.7 to decide, after the failure report, as to whether the Reference is to be made under the Industrial Disputes Act.

3. In view of the fact that there is an industrial

dispute, we refrain to entertain the petition challenging the transfer orders. We find it appropriate to grant an alternative remedy, namely directing the respondent no.7 to consider the failure report of Conciliation Officer and to refer the matter to the Industrial/ Labour Court. Therefore, we pass the following order:

4. The respondent no.7 is hereby directed to consider the failure report of the Conciliation Officer and further consider as to whether Reference is to be made or not in the facts and circumstances of the case. The respondent no.7 shall take its decision within a period of 12 weeks. The petition is disposed of with these directions.

(D.G. KARNIK, J.) (S.B. MHASE, J.)